

**REMARKS**

This Amendment is in response to the Office Action mailed August 27, 2007, in which claims 1-37 were rejected. With this Amendment, independent claims 1, 16, 28, and 32 are amended and claims 13, 26, and 37 are canceled. Claims 1-12, 14-25, and 27-26 are now in the application and are presented for reconsideration and allowance.

In the Office Action, claims 1-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang, U.S. Patent No. 6,049,823 in view of Duso, U.S. Patent No. 5,892,915. With this Amendment, each of the independent claims 1, 16, 28, and 32 have been amended to clarify the role of the assignable computing device (ACD). As defined in each of the claims, as amended, the ACD provides not only interactive menuing, but also interactive video programs, namely at least one of video games, internet access, and computer application programs. When a user provides a command that calls for interactive menuing, an assignable computer device (ACD) is placed in communication with the user's audiovisual display monitor. When the user makes a selection of a video program from the menus provided by the ACD, the assignment of a device to deliver that selected program depends upon whether the program is one of a type that the ACD provides itself, or whether another audiovisual serving device is needed to provide that type of video program. If the selected video program is an interactive program such as video games, internet access, or computer application programs available from the ACD, then the ACD is assigned as the audiovisual serving device, and continues communicating with the user's audiovisual display monitor while providing the selected video program. If the video program selected is not one provided by the ACD, then an available audiovisual serving device has the selective video program assigned, and a communication link is established between that assigned audiovisual serving device and the user's audiovisual display monitor.

Each of the independent claims has been amended to clarify the role of the ACD in the menuing process as well as in its other role as providing interactive video program content. Neither Whang nor Duso describes a system and method as defined in amended independent claims 1, 16, 28, and 32. Independent claim 1 incorporates in part the subject matter of dependent

claim 13, but further clarifies those circumstances in which the ACD acts as the audiovisual serving device.

In the Office Action, in discussing dependent claims 13 and 26, column 17, lines 1-25 of Whang was cited. That portion of Whang indicates that when a private viewing option is requested by a user, the channel processor sends a request to the iTV server for a private channel/processor. The Whang patent then provides a description of the channel allocation scheme. It does not appear, however, that the channel processor that sends the request is necessarily involved in subsequently interacting with the user.

Each of independent claims 1, 16, 28, and 32 have been amended to describe specifically the involvement of the ACD in providing menus, and in delivering video programs in the form of video games, internet access, or computer applications programs if selected from the menu by the user. The claims also define the assignment of an available audiovisual serving device to deliver video content if the ACD is not the serving device. This feature of the invention, as defined in the claims, is not taught by Whang. Nor is it taught by Duso.

In conclusion, this Amendment has placed claims 1-12, 14-25, and 27-36 in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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